



Snohomish County
Planning and Development Services

John Lovick
County Executive

Clay White, Director
3000 Rockefeller Avenue M/S #604
Everett, WA 98201-4046
(425) 388-3311 FAX (425) 388-3832

MEMORANDUM

TO: Snohomish County Planning Commission
Barb Mock, Acting Planning Commission Secretary

FROM: Amy Lucas, Associate Planner
Planning and Development Services

DATE: March 11, 2014

SUBJECT: **Proposed Amendments to the Landscaping Code Relating to Tree Canopy (CHAPTER 30.25 SCC)**

Introduction

The purpose of this staff report is to provide information on a non-project proposal to amend chapter 30.25 SCC (General Development Standards-Landscaping) related to trees within unincorporated urban growth areas prior to the March 25, 2014 Planning Commission hearing. Specifically the proposal would amend SCC 30.25.010, .012, .015 and .016. The staff-recommended code language in both underline-strikeout and as-adopted formats, with supporting findings are attached to the staff report.

Background

In 2009, the County Council adopted Amended Ordinance No. 08-101 relating to urban residential design standards. Contained within that ordinance were new regulations pertaining to tree retention and tree replacement; specifically, SCC 30.25.016. These regulations outline where significant trees need to be retained and at what ratios the trees need to be replaced when they are removed. Under current code, within unincorporated urban growth areas, new residential development is required to preserve 100% of the significant trees on a given site. Any significant trees removed from the site are required to be replaced at up to a 3 to 1 ratio. There are exceptions to this requirement including the removal of hazardous trees. The ordinance also modified the definition of what constitutes a significant tree.

Since the 2009 adoption, PDS has received feedback from developers that the existing regulations present challenges related to replacement tree quantities and survivability. Staff preliminary research has indicated that full build-out urban densities may not be feasible on sites with a large number of significant trees. Some larger, relatively heavily forested lots within the Southwest Urban Growth Area may have been bypassed by developers apprehensive about placing and spacing large amounts of replacement trees on site without affecting tree mortality. Some developers have also felt that density is unfairly being negatively affected on treed lots due to the mitigation standards.

The current tree regulations allow replacement trees off-site within the immediate area of the proposed development yet developers who have selected sites with a relatively large amount of trees have had difficulty

finding sites within the immediate area to replant trees. Solutions have ranged from requesting a variance, pulling the application, or proposing landscaping plans featuring densely planted saplings which will need to be continuously thinned in the future to prevent spindly growth as well as mass tree mortality.

In Spring 2013, the County Council was briefed by council staff on possible amendments to the Tree Retention and Replacement section of the General Development Standards – Landscaping chapter of Title 30 which addressed some of the issues developers have faced implementing the current code. At that time the Council decided not to pursue moving forward with changes to the tree retention and replacement regulations. Subsequently, in October 2013, PDS obtained and reviewed a draft ordinance from the Council which contained proposed code amendments intended to resolve many of the issues faced by developers looking to develop on sites with a large number of significant trees.

Using current industry standards from the International Society of Arboriculture, best available science from the US Department of Agriculture Forest Service (USDA, USFS), research of other jurisdictions and previous Council discussion on this topic, an inter-departmental workshop was held in December to develop code amendments which encouraged the retention of significant trees without adversely affecting density. As a result of this workshop, PDS is proposing to shift the approach of tree retention from regulating individual trees to the conservation of the overall unincorporated urban forest canopy. Recognizing the functional importance of a mixed-age, mixed-species urban tree canopy, the proposed code amendments would treat urban residential sites without significant trees the same as urban residential sites with significant trees, and places the responsibility of conserving the urban canopy on all parties.

To establish a baseline condition of urban tree canopy, a high level GIS analysis was performed using US Geological Survey (USGS) Land Cover data from 2001 and 2006 to produce an estimated unincorporated urban growth area canopy coverage of roughly 30-40%. USGS states that their land cover datasets underestimate canopy by approximately 9.7%, but without further data clean-up and expanding the scope of the project, the 30-40% coverage estimate is the best available information for Snohomish County at this time. Based on this canopy estimate and the policy guidelines given by American Forests and the International Society of Arboriculture, staff is proposing to conserve 30 – 40% canopy coverage to maintain the urban tree canopy of the County using a combination of tree retention and supplemental plantings.

Discussion

The code amendments provide tree canopy requirements for all residential development occurring in urban areas of Snohomish County. Understanding the need to balance landscaping regulations with planned density goals, they are scaled to the development type and size in order to better achieve planned densities in the GMA Comprehensive Plan while still maintaining the core functions of landscaping elements. The proposed amendments recognize that tree canopy is an important working part of landscaped areas by providing visual screening for neighborhood compatibility, creating continuity within and between neighborhoods, and by mitigating noise from neighboring roads and properties. In addition to their landscaping functions, trees provide other important physical functions such as shading, wildlife habitat and corridors, and stormwater filtration. Stakeholders have also emphasized the importance of retaining trees and planting canopy within designated open spaces and landscaping areas so that they are protected from future removal.

On sites with trees, developers will be encouraged to retain existing significant trees and/or tree canopy with replanting reserved as an option when trees are removed to accommodate road network elements, open space, drainage and siting of dwellings or structures. When full removal of tree canopy is proposed, applicants will need to provide documentation from a qualified landscape designer as to why retention of tree canopy or significant trees is not possible. Sites where replanting will occur or sites without trees will have options flexible enough to fulfill the canopy requirements within the landscaped buffers, landscaped areas, street trees and required open spaces. Under the County's urban residential landscaping code, residential developments within urban areas of the county already are required to dedicate a minimum 10% of their gross site area to landscaped areas in addition to other open space requirements.

Following the direction of the Growth Management Act (GMA), PDS has been conducting early and continuous public outreach which has included beta testing mature canopy conditions of existing applications' landscaping plans drawn to comply with current regulations and how they may look under the proposed regulations. This beta testing has confirmed the concerns regarding the quantity, spacing and survivability of replacement trees. Sites with sloping topography that require significant grading to comply with Americans with Disability Act (ADA) standards are having difficulty retaining significant trees and canopy due to the grading requirements particularly where pedestrian facilities connect to road network elements. Even on sites with minimal tree coverage, the quantity of required replacement tree under the current code are resulting in up to 90% mature tree canopy coverage that will be constrained within the required landscaped areas of the proposed development.

Due to the replanting ratios required under current code and the inability to find off-site replanting areas, some applicants are proposing up to 20 trees per lot. The replacement trees are proposed to be placed in landscaped areas, rowed between houses and in yards, in some cases within five feet of outer walls. With the amount of the required replacement trees and the difficulty placing them on site, many homes will receive minimal sunlight as the trees come into maturity. The proposed spacing will also eventually create weak branches and spindly, upright growth that can lead to tree disease and mortality without proper thinning, which may not be possible as the replacement trees are protected from removal under the current code.

The code amendments proposed seek to preserve existing tree canopy within sites, and encourage the growth of a healthy, mixed age, mixed species tree canopy through incentives which encourage existing significant tree and tree canopy retention. They also include landscaping regulations which complement the County's urban tree canopy through supplemental canopy plantings on sites where canopy was previously minimal or non-existent. The proposed supplemental planting regulations provide options flexible enough to provide canopy coverage within site areas already dedicated to street trees, landscaping and open space without affecting additional density or creating conditions detrimental to tree survivability. In the sites beta-tested so far, applicants have met or nearly met the proposed canopy requirements through street trees alone. The proposed regulations follow the industry guidelines of retaining and planting the right trees in the right places.

Analysis

Where applicable, the code amendments will change the words "tree retention and replacement" to "tree canopy" throughout the landscaping code. The following sections provide a summary and analysis of the proposed additions and amendments:

Purpose

The proposal amends SCC 30.25.010 to include the conservation of tree canopy and acknowledges the aesthetic value of tree canopy within urban areas of the County. It also adds language that recognizes the importance of promoting the preservation of open space, existing tree canopy, natural diversity and wildlife habitat within urban areas which is mandated under GMA.

General landscaping requirements

Staff is proposing to delete SCC 30.25.015(2)(a) through (i) which is language already included in the application check list. Language which dictates the checklist requirement and the preparation of the checklist by a qualified landscaping professional have been moved within the body of subsection (2). Staff has also included language in subsection (2) which requires applicants to have a landscape professional document in writing why significant trees and/or tree canopy cannot or should not be retained on site when they are proposing that they be removed. Some exceptions for understory or low-growing trees are also included within this section.

Tree Canopy Requirements

The applicability language for tree regulations has been moved from SCC 30.25.012 to SCC 30.25.016(1) along with specific exemptions for tree removal which include hazardous tree removal, construction or remodel of a single residential building prior to the adoption of the current tree retention regulations, and for construction or maintenance of public or private road network elements and utilities. Pruning of trees and shrubs is also covered under these exemptions. Proposed changes to subsection (2) reinforce significant tree retention within perimeter landscaping and critical areas and buffers.

Staff is proposing to delete existing language in SCC 30.25.016(3). This subsection is intended to limit pre-clearing of residential sites to avoid having to comply with the tree retention and replacement requirements. The section was added by the County Council based on the aforementioned concerns. At the time the County was still developing clearing regulations as part of NPDES, which included a land disturbing activity permit. The Council was concerned that too much lag time existed between the adoption of the tree retention and replacement regulations and the forthcoming land disturbing activity (LDA) permit. As a result SCC 30.25.016(3) was added, and in effect placed a six year moratorium on sites where pre-clearing occurred unless certain criteria were met. Additional language imposing the six year moratorium was added to lot size averaging (SCC 30.23.210(3)), Single Family Detached Unit Development (SCC 30.41F.040(1)(b)), Rezones (SCC 30.42A.100), and Planned Residential Developments (SCC 30.42B.020(4)).

In June of 2010 the County Council adopted the NPDES regulations including the LDA permit and regulations on clearing sites of vegetation and trees. Under chapter 30.63B SCC, an LDA permit is required to clear land of vegetation, unless exempted. In short, any land disturbing activity over 7,000 square feet requires a permit and owners of property choosing to clear a site will be required to obtain a LDA permit. To comply with the permit an applicant is required to prepare an LDA site plan and geotechnical reports. In other words, a considerable amount of time, effort and money will need to be invested in applying for an LDA permit and complying with the NPDES regulations. Therefore the adoption of the NPDES regulations and the LDA permit negate the need for the regulations in SCC 30.25.016(3).

It also worth pointing out that SCC 30.25.016(3) is focused on significant trees and the proposed code amendments move away from the approach of regulating individual trees to one that looks at tree canopy. However under the proposed code amendments, applicants with canopy on site can receive a canopy bonus for retaining tree canopy and/or significant trees and all lots are required to comply with proposed tree canopy requirements, so there are no practical benefits for developers to clear lots of tree canopy prior to application. PDS staff cautions that retention of this section in its current form places it at odds with the proposed approach centered around tree canopy. Language in SCC 30.23.010, 30.41F.040, 30.42A.100 and 30.42B.020 regarding the six year moratorium is also proposed to be removed from the code.

Language regarding individual trees outside critical areas and buffers and required landscaping buffers has been deleted from section .016 including the Tree Replacement Schedule (Table 30.25.016(3)) and replaced with tree canopy standards. Subsection (3) establishes the tree canopy standards and requirements for supplemental planting on sites where tree canopy is removed or does not meet the minimal canopy standards. It also defines what constitutes tree canopy and allows an option for counting rain garden and bio-retention areas when they are designed and built under specific standards defined in Snohomish County engineering and drainage regulations. This allows applicants who are proposing to use vegetation techniques for stormwater retention or detention to meet canopy requirements without removing additional buildable area from the site.

Since sites differ in topography and canopy coverage and proposed applications differ in density and size, Table 30.25.016(2) has been added to establish required tree canopy coverage gross site area based on the type and size of development. This table also includes canopy coverage reductions for sites without existing tree canopy and vegetation options based on the director's discretion, and provides the minimal canopy coverage required after those reductions are applied when valid. Table 30.25.016(4) establishes the methodology and options for measuring existing site canopy as well as proposed new canopy.

In order to encourage the retention of significant trees and/or existing tree canopy, staff is proposing sequentially increasing canopy measurement credits for the retention of individual existing significant trees,

existing clusters of trees and existing clusters of significant trees, with the most credits applying to the latter. The proposed amendments also set planting standards such as species mix ratios for sites without existing tree canopy or sites opting for canopy replacement which will result in a healthy, mixed age, mixed species canopy.

SCC 30.25.016(9) establishes the standards for reduction in tree canopy requirements under the Director's discretion. This reduction is capped at five percent and requires that the applicant meet specific criteria including written documentation that demonstrates how the applicant has made a good faith effort to comply with the tree canopy requirements within the physical constraints of the site. Applicants also have to show how they have retained or replanted as much of the tree canopy as possible and propose to plant additional understory vegetation or ground cover area to fulfill the remaining canopy requirement in SCC Table 30.25.013(3). If a critical area exists on site, and the buffer is not highly functioning, the applicant must also propose to enhance the buffer by removing invasive species and noxious weeds and/or planting vegetation indigenous to the Pacific Northwest.

Staff is also proposing to delete SCC 30.25.016(10). This subsection adds a fine should a property owner illegally remove a significant tree. Like SCC 30.25.016(3) mentioned above, this section was also added by the County Council in hopes of deterring indiscriminate removal of significant trees. To date PDS has not issued a fine to a property owner as prescribed in this subsection, and it should be noted that enforcement of this regulation would mostly likely be the result of a complaint from a neighbor.

As has been previously noted above, staff is proposing to modify the approach to retain trees by focusing on tree canopy instead of individual trees. SCC 30.25.016(10) is built around individual trees and is inconsistent with the proposed tree canopy approach. Staff considered modifying the regulations to be consistent with the tree canopy approach but it raised numerous questions about enforcement particularly in light of NPDES requirements. Noting that all residential development within the urban areas of the county will fall under the proposed canopy requirements, that applicants can receive canopy bonuses for retaining trees, and that all clearing over 7,000 square feet requires an Land Disturbing Activity permit, there is no benefit for clearing sites prior to application.

Compliance with State Law and Snohomish County Comprehensive Plan

The Growth Management Act (GMA) planning goals adopted in RCW 36.70A.020 guide the development and adoption of comprehensive plans and development regulations. The goals are not priority listed. The GMA goals guide the policies in the Growth Management Act Comprehensive Plan General Policy Plan (GMACP-GPP) and require consistency between the GMACP-GPP and implementing development regulations. The proposed regulations are reasonable related to and necessary for the advancement of the following GMA planning goals listed in RCW 36.70a.020:

- GMA Goal 1 – “Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.” The proposed amendments are scaled by development type and size so that urban site densities are not adversely affected by landscaping regulations.
- GMA Goal 2 – “Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.” The proposed amendments for canopy coverage are based on a sliding scale so that higher density development can better achieve the densities prescribed in the Comprehensive Plan. They also remove individual tree regulations which discourage the development of forested sites within urban growth areas of the county and result in dense tree replanting that may lead to unhealthy or weak tree conditions in the future.
- GMA Goal 6 – “Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.” The proposed amendments protect property rights by providing flexible

options for canopy retention and/or placement within areas already required for dedication. They also include a provision to allow the director to reduce the tree canopy requirements to accommodate unique situations.

- GMA Goal 9 – “Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.” The code amendments encourage canopy retention and/or placement in open spaces, enhancing on-site recreational opportunities and providing wildlife habitat by regulating for a healthy, mixed age, mixed species tree canopy throughout urban areas of the county.

The proposed code amendments will better achieve, comply with, and implement the Snohomish County Growth Management Act Comprehensive Plan (GMA CP) General Policy Plan (GPP) which sets forth the following goals, objectives, and policies related to the proposed regulations:

1. Land Use Policy 2.B.2 “The county shall encourage, and may require, higher minimum densities within designated urban centers, urban villages, and along connecting transit emphasis corridors to support planned transit service.”
2. Land Use Policy 4.B.2 “The county shall explore and consider design guidelines for urban centers and villages that achieve the following objectives:
 - a. Well designed urban centers and urban villages that are sensitive to natural and cultural resources so as to preserve them.”
3. Land Use Policy 5.A.8 “Natural features, open space and critical areas shall be preserved to enhance neighborhood identity.”
4. Land Use Policy 10.B.7 “The county shall consider development of code and site design standards that encourage the preservation of natural and scenic resources.”
5. Natural Environment Objective 1.A “Balance the protection of the natural environment with economic growth, housing needs and the protection of property rights.”

Compliance with PSRC Multi-County Policies

The proposed code amendments will better achieve, comply with, and implement the Puget Sound Regional Council’s (PSRC) Multi-County Planning Policies (MPPs) which sets forth the following goals, objectives, and policies related to the proposed regulations:

1. Environmental Stewardship Policy MPP-En-3 “Maintain and, where possible, improve air and water quality, soils, and natural systems to ensure the health and well-being of people, animals, and plants. Reduce the impacts of transportation on air and water quality, and climate change.”
2. Environmental Stewardship Policy MPP-En-5 “Locate development in a manner that minimizes impacts to natural features. Promote the use of innovative environmentally sensitive development practices, including design, materials, construction, and on-going maintenance.”
3. Urban Lands Policy MPP-DP-2 “Encourage efficient use of urban land by maximizing the development potential of existing urban lands, such as advancing development that achieves zoned density.”
4. Urban Lands Policy MPP-DP-4 “Accommodate the region’s growth first and foremost in the urban growth area. Ensure that development in rural areas is consistent with the regional vision.”
5. Urban Lands Policy MPP-DP-15 “Support the transformation of key underutilized lands, such as brownfields and greyfields, to higher density, mixed-use areas to complement the development of centers and the enhancement of existing neighborhoods.”

6. Urban Lands Policy MPP-DP-33 “Identify, protect and enhance those elements and characteristics that give the central Puget Sound region its identity, especially the natural visual resources and positive urban form elements.”
7. Urban Lands Policy MPP-DP-49 “Support and provide incentives to increase the percentage of new development and redevelopment — both public and private — to be built at higher performing energy and environmental standards.”

Compliance with Countywide Planning Policies

The proposed code amendments will better achieve, comply with, and implement the Snohomish County Countywide Planning Policies (CPP) which sets forth the following goals, objectives, and policies related to the proposed regulations:

1. Development Pattern Policy DP-5 “The County and cities shall adopt comprehensive plans and development regulations (RCW 36.70A.040). In Urban Growth Areas (UGAs), such plans and regulations shall:
 - a. Achieve urban uses and densities;
 - b. Provide for urban governmental services and capital facilities sufficient to accommodate the broad range of needs and uses that will accompany the projected urban growth; and
 - c. Permit the urban growth that is projected to occur in the succeeding twenty-year period (RCW 36.70A.110(2)).”
2. Development Pattern Policy DP-11 “The County and cities should revise development regulations and incentives, as appropriate, to encourage higher residential densities and greater employment concentrations in Urban Growth Areas.”
3. Development Pattern Policy DP-13 “The County and cities should integrate the desirable qualities of existing residential neighborhoods when planning for urban centers and mixed-use developments. Jurisdictions should adopt design guidelines and standards for urban centers to provide for efficient site design that integrates building design, transportation facilities, and publicly accessible open spaces.”
4. Development Pattern Policy DP-33 “Jurisdictions should develop high quality, compact urban communities that impart a sense of place, preserve local character, provide for mixed uses and choices in housing types, and encourage walking, bicycling, and transit use.”
5. Natural Environment Policy ENV-1 “All jurisdictions shall protect and enhance natural ecosystems through their comprehensive plans, development regulations, capital facilities programs, and management practices. Jurisdictions should consider regional and countywide strategies and assessments, as well as best available qualitative and quantitative information, in formulating plans and regulations that are specific to their community.”
6. Natural Environment Policy ENV-3 “The County and cities should identify and protect, enhance, or restore wildlife corridors and important habitat areas that support designated species of local or state significance and that are critical for survival of endangered or threatened species.”
7. Natural Environment Policy ENV-9 “The County and cities should use natural systems to reduce carbon in the atmosphere by establishing programs and policies that maintain and increase forests and vegetative cover.”

Implementation Concerns/Issues

An implementation plan is being developed in accordance with the Code Development Business Process model. It will include provisions that relate to:

- Revisions to applicable brochures/handouts and information posted to the county's web site
- Revisions to internal processes and procedures
- Staff training
- Summary of adopted amendments for the general public
- Tree canopy calculation sheets for development applications
- Approved canopy vegetation database with published lists

Action Requested

The Planning Commission is requested to hold a hearing on March 25, 2014. Planning Commission recommendations will be transmitted to the County Council in advance of a formal briefing.

Please send any questions to the Planning Commission Secretary. All questions and responses will be included in the public record.

Staff Recommendation:

Staff recommends approval of the proposed code amendments and draft findings attached to this staff report.

Attachments:

Appendix A: Code amendments (in legislative format)
 Appendix B: Draft findings to support code amendments
 Appendix C: Code amendments (clean version – if adopted)

CC:

Peter Camp, Executive Director

Clay White, PDS Director

Barb Mock, PDS Manager

Tom Rowe, PDS Manager

Will Hall, AICP, Legislative Analyst

Appendix A

Chapter 30.25 SCC-Tree Canopy Code Amendments

Staff Recommended Code Language

Section __. Snohomish County Code Section 30.25.010, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.25.010 Purpose.

(1) The purpose of this chapter is to establish standards for landscaping (~~(, tree retention and tree replacement)~~) to implement the policies of the comprehensive plan and to achieve the following objectives:

(a) Enhance neighborhood livability and mitigate potential land use incompatibility through landscaping and screening and by conserving tree canopy and vegetation;

(b) ~~((Reduce tree loss during land development and construction))~~ Conserve the urban tree canopy and significant trees to retain and supplement the county's urban aesthetic character and environment; and

(c) ~~((Mitigate tree loss by providing for tree replacement.))~~ Promote the preservation of open space, existing tree canopy and vegetation, and natural diversity and wildlife habitat, using supplemental plantings when necessary.

(2) The provisions of this chapter should enhance compatibility between uses and zones and build continuity within neighborhoods while reducing the impacts of new development and minimizing the visual impact of parking areas and detention facilities and other special uses that require screening from residential uses.

Section __. Snohomish County Code Section 30.25.012, last added by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.25.012 Applicability.

(1) The landscaping provisions of this chapter shall apply to all development ~~((permits))~~ applications, unless specifically exempted in SCC ~~((30.25.012(3)))~~ 30.25.012(2) or elsewhere in this chapter.

~~((2) The tree retention and replacement provisions of this chapter shall apply to all new residential development activity within urban growth areas and as required in SCC 30.25.025, 30.25.030 and 30.25.032, including any activity requiring a grading or other land-disturbing activity permit, unless specifically exempted.))~~

~~((3))~~ (2) This chapter shall not apply to:

(a) Farms and accessory uses associated with farming;

(b) Changes in occupancy where the use would generate a need for five or less additional parking spaces over the number of existing spaces; and

(c) Remodels of multiple family, commercial, industrial, public facilities and private institutional uses representing less than 50 percent of the valuation of the structure as determined by using the most recent ICBO construction tables, or adding less than 20 percent of gross floor area.

Section __. Snohomish County Code Section 30.25.015, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.25.015 General landscaping requirements.

(1) All residential developments located within urban growth areas are required to landscape a minimum of 10 percent of the total gross area of the site to the standards set forth in this chapter unless exempted otherwise. The 10 percent requirement may include perimeter landscaping, parking lot and

detention facility landscaping, tree ~~((retention))~~ canopy areas and street trees not in a public right-of-way.

(2) No building permit shall be issued when landscaping is required until a landscaping plan has been submitted and approved by the department, if applicable. Landscaping plan requirements shall be defined by the department in a submittal requirements checklist, as authorized by SCC 30.70.030. The landscaping plan shall be prepared by a qualified landscape designer. If applicable, development applications subject to 30.25.016 shall provide documentation from a qualified landscape designer as to why existing canopy and significant trees cannot or should not be retained.

~~((a) Landscaping plan requirements shall be defined by the department in a submittal requirements checklist, as authorized by SCC 30.70.030.~~

~~—(b) The landscaping plan shall be prepared by a qualified landscape designer.~~

~~—(c) The landscaping plan shall include an assessment of whether temporary or permanent irrigation is required to maintain the proposed landscaping in a healthy condition.~~

~~—(d) Street trees and other right-of-way planting shall be shown on the approved landscaping plan.~~

~~—(e) The landscaping plan shall include the location, caliper and species of all significant trees located on the site that are proposed to be removed.~~

~~—(f) The landscaping plan shall include the location, caliper or height, and species of all replacement trees to be planted.~~

~~—(g) The landscaping plan shall include a description of why significant trees cannot or should not be retained.~~

~~—(h) The landscaping plan shall include a description and approximate location of any trees on adjoining properties that may be directly affected by any proposed activities.~~

~~—(i) The landscaping plan shall show clearing limits consistent with applicable land disturbing activity site plans required pursuant to chapter 30.63B SCC.)~~

(3) Planting areas outside of the right-of-way may include landscape features such as decorative paving, sculptures, fountains, rock features, benches, picnic tables, and other amenities; provided that the area devoted to such features may count toward no more than 20 percent of the total required perimeter and parking lot landscaping area. Use of bark, mulch, gravel, and similar non-vegetative material shall be minimized and used only to assist plant growth and maintenance or to visually complement plant material.

(4) An accessible route of travel meeting construction code barrier free requirements may cross a required landscape area at a 90 degree angle or as close to a 90 degree angle to the road right-of-way as conditions allow. The area devoted to an accessible route of travel in a required perimeter area may be included to satisfy the requirements of SCC 30.25.020.

(5) The following minimum planting standards apply, except that street trees required pursuant to SCC 30.25.015(8) shall comply with planting standards in the EDDS:

(a) Evergreen and deciduous trees shall be at least eight feet high at the time of planting;

(b) Deciduous trees shall have a minimum diameter of one and one-half inches caliper at the time of planting; provided that the combined diameter measurements of groupings of under-story trees, such as vine maples, may be used to meet this requirement;

(c) Evergreen and deciduous shrubs shall be at least 18 inches high at the time of planting;

(d) Trees shall be of a size and type projected to reach a height of at least 20 feet in 10 years, except ~~((where under-story or low-growing trees are specifically approved or required by the director;))~~ ;

(i) Where understory or low-growing trees are specifically approved or required by the director; or

(ii) Where understory or low-growing trees are planted as authorized by SCC 30.25.016.

(e) Trees shall be planted at least five feet from adjoining property lines ~~((, except as may be approved for landscaping along road frontages pursuant to the EDDS and road frontage requirements))~~.

(6) All landscape materials shall meet or exceed current United States standards for nursery stock published by the American Nursery and Landscape Association and consist of native species. The

applicant shall use a list of acceptable species prepared by the director or may substitute a species with similar characteristics not on the list with the director's approval.

(7) To promote stabilization and continued healthy growth of the landscape areas required by this section, a qualified landscape designer shall determine the need for irrigation. An irrigation plan shall be submitted together with the required landscape plan.

(8) Street trees are required to be planted as frontage improvements along public ~~((and private))~~ roads and along private roads and drive aisles in residential developments within urban growth areas ~~((on land developed for residential use according to the road cross section and general landscaping standards of the EDDS)).~~ Street trees are not required around turnarounds at the end of ~~((roads))~~ road network elements less than 150 feet in length.

~~((9))~~ ~~((Street tree maintenance shall be as follows:~~

~~((a)))~~ Property owners shall be responsible for the maintenance (including pruning) and liability of street trees on their property, or where responsibility has been assumed by the owner through a recorded agreement with the county ~~((; and))~~ .

~~((b))~~ ~~Utility work affecting street trees shall be limited to the actual necessities of the services of the company and such work shall be done in a neat and professional manner.))~~

(10) Utility work shall minimize impact to street trees, both above ground and to root systems below ground.

Section __. Snohomish County Code Section 30.25.016, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.25.016 ~~((General tree retention and replacement))~~ Tree canopy requirements.

~~((1))~~ ~~((No person, corporation, or other entity engaged in residential land development or construction within unincorporated urban growth areas shall remove a significant tree without first obtaining county approval, except as provided in SCC 30.25.016(2). County approval shall be integrated into the permit review process for any activity requiring a county permit on a site where any significant trees are present))~~ Tree canopy requirements shall apply to all new residential development applications within unincorporated urban growth areas. The following activities are exempt from the tree canopy requirements of this section:

(a) Removal of any hazardous, dead or diseased trees, and as necessary to remedy an immediate threat to person or property as determined by a letter from a qualified arborist;

(b) Construction of a single-family dwelling, duplex, accessory or non-accessory storage structure on an individual lot created prior to April 21, 2009;

(c) Construction or maintenance of public or private road network elements, and public or private utilities including utility easements;

(d) Construction or maintenance of public parks and trails when located within an urban residential zone;

(e) Pruning and routing maintenance of shrubs and trees; or

(f) Remodels of an existing single-family dwelling, duplex, or townhouse structures.

~~((2))~~ ~~((The following are exempt from the general tree and replacement requirements of SCC 30.25.016:~~

~~—(a) Removal of any hazardous, dead or diseased trees, and as necessary to remedy an immediate threat to person or property as determined by a letter from a qualified arborist ;~~

~~—(b) Removal of trees within or adjacent to existing public rights-of-way or easements, at the direction of the county or public or private utility for the protection of the public safety, such as obstructions inhibiting visibility at intersections;~~

~~—(c) Removal of trees for construction of a single-family dwelling, duplex, accessory or non-accessory storage structure on an individual lot created prior to April 21, 2009;~~

1 —(d) Removal of trees that have been grown for the purpose of sales of Christmas trees or
2 commercial landscaping materials by commercial nurseries and tree farms; and

3 —(e) Any forest practices occurring on forest land as those terms are defined in RCW 76.09.020 of the
4 Forest Practices Act, chapter 76.09 RCW.) All significant trees within any perimeter landscaping
5 required pursuant to SCC 30.25.020 and critical area protection areas and required buffers shall be
6 retained, except for trees exempted by SCC 30.25.016(1).

7 (3) ~~((Certain types of applications are subject to special requirements so that neighborhoods are not~~
8 ~~adversely affected by increased density on sites where significant trees were removed prior to the~~
9 ~~application.~~

10 —(a) ~~These special requirements are applicable to all applications for the following:~~

11 —(i) ~~Single family detached unit development pursuant to chapter 30.41F SCC;~~

12 —(ii) ~~Planned residential development pursuant to chapter 30.42B SCC;~~

13 —(iii) ~~Subdivision or short subdivision using lot size averaging pursuant to SCC 30.23.240; and~~

14 —(iv) ~~Rezoning pursuant to chapter 30.42A SCC, but only if the requested zoning designation allows~~
15 ~~a greater number of dwelling units per acre than the current zoning designation.~~

16 —(b) ~~The applicant shall attest in writing, to be acknowledged by a notary public, that no significant~~
17 ~~trees other than hazardous trees were removed from the site after January 7, 2009, and within six~~
18 ~~years prior to the date of the submission of the application.~~

19 —(c)) ~~If any significant trees other than hazardous trees were removed after January 7, 2009, and~~
20 ~~within six years prior to the date of the submission of the application, then the application shall not be~~
21 ~~approved; provided that the application may be approved if:~~

22 —(i) ~~The removal of trees was authorized by a forest practices permit issued by the State~~
23 ~~Department of Natural Resources;~~

24 —(ii) ~~The public is notified of the prior removal of trees consistent with the posting, publication, and~~
25 ~~mailing requirements of SCC 30.70.045, and this notice may be combined with the notice for the~~
26 ~~underlying application;~~

27 —(iii) ~~A tree survey of all significant trees is completed and significant trees are replaced as required~~
28 ~~in Table 30.25.016(3);~~

29 —(iv) ~~All significant trees within any perimeter landscaping required under SCC 30.25.020 and all~~
30 ~~significant trees within critical area protection areas and required buffers are retained;~~

31 —(v) ~~All significant trees on site are retained on five percent of the site in addition to those retained~~
32 ~~as required in SCC 30.25.016(3)(c)(iv); and~~

33 —(vi) ~~The owner of the property at the time of tree removal is not a person, corporation, or other~~
34 ~~entity engaged in residential land development or construction within unincorporated urban growth~~
35 ~~areas.)~~

36 Development subject to the requirements of SCC 30.25.016(1) shall meet the minimum tree
37 canopy coverage requirements set forth in SCC Table 30.25.016(3), except as provided in SCC
38 30.25.016(6) and SCC 30.25.016(9). On sites that do not meet the requirements of SCC Table
39 30.26.016(3) through existing tree canopy or where an applicant removes the existing tree canopy, new
40 plantings to meet the requirements of SCC Table 30.25.016(3) shall be planted pursuant to SCC
41 30.25.015(5) through (7) and SCC 30.25.016(7).

42 (a) Tree canopy coverage shall include all woody perennial vegetation six feet in height or greater,
43 excluding invasive species or noxious weeds, within the gross site area including perimeter
44 landscaping, site landscaping, street trees (including those existing or planted within the public right-of-
45 way abutting the site), critical area protection areas and required buffers, and open space tracts or
46 easements.

47 (b) Sites utilizing vegetation techniques for stormwater retention or detention may count 50 percent
48 of all ground level bio-retention and rain garden area as tree canopy coverage when the stormwater
49 retention or detention is:

(i) Constructed per the requirements of chapter 30.63A, 30.63B and 30.63C SCC;

- (ii) Designed in accordance with the Snohomish County Drainage Manual and Snohomish County Engineering Design and Development Standards; and
- (iii) Contains at least 50 percent native (indigenous) species tree canopy vegetation six feet in height or greater.

Table 30.25.016(3)

Tree Canopy Coverage Requirements

<u>Type of Development</u>	<u>Required Tree Canopy Coverage of Development Site (gross site area)</u>	<u>Reduction for Sites without Existing Tree Canopy SCC 30.25.016(6)</u>	<u>Director's Discretion Reduction 30.25.016(9)</u>	<u>Required Tree Canopy Coverage after Applicable Reductions</u>
<u>Subdivisions for Single Family Residential</u> <u>10 or more lots</u>	<u>30 percent</u>	<u>10 percent</u>	<u>5 percent</u>	<u>15 percent</u>
<u>Short Subdivisions for Single Family Residential</u> <u>4 to 9 lots</u>	<u>25 percent</u>	<u>10 percent</u>	<u>5 percent</u>	<u>10 percent</u>
<u>Short Subdivisions for Single Family Residential</u> <u>Less than 4 lots</u>	<u>20 percent</u>	<u>Not Applicable</u>	<u>5 percent</u>	<u>15 percent</u>
<u>Single Family Detached Units, Cottage Housing, Townhouse, Multi-family</u> <u>10 or more units</u>	<u>20 percent</u>	<u>10 percent</u>	<u>5 percent</u>	<u>10 percent</u>
<u>Single Family Detached Units, Cottage Housing, Townhouse, Multi-family</u> <u>Less than 10 units</u>	<u>15 percent</u>	<u>Not Applicable</u>	<u>5 percent</u>	<u>10 percent</u>
<u>Urban Center (residential and mixed use projects only)</u>	<u>15 percent</u>	<u>Not Applicable</u>	<u>5 percent</u>	<u>10 percent</u>

(4) ~~((All significant trees within any perimeter landscaping required pursuant to SCC 30.25.020, on-site recreation space pursuant to SCC 30.23A.080, or critical area protection areas and required buffers shall be retained, except for trees exempted by SCC 30.25.016(1). All other significant trees that are removed shall be replaced by a number of new trees as set forth in SCC Table 30.25.016(3), except as may be modified by the provisions of SCC 30.25.016(5) and (6. The director may allow the removal of significant trees from the active on-site recreation space when it is determined to be necessary to allow for recreational facilities provided that all such trees are replaced in accordance with SCC Table 30.25.016(3).))~~ Site tree canopy shall be measured according to SCC Table 30.25.016(4) and the following:

- (a) If 50 percent or more of a tree's canopy from an adjoining publicly owned parcel extends onto the proposed site, count the entire tree canopy in the site tree canopy calculation.
- (b) If 50 percent or more of an individual tree's canopy on the proposed site extends onto an adjoining parcel, count the entire tree canopy in the site tree canopy calculation.

((Table 30.25.016(3) – Tree Replacement Schedule

<u>Caliper of Tree Removal</u>	<u>Number of Replacement Trees Required</u>
10 – 16 inches	1
16.1 – 24 inches	2
Over 24 inches	3

Notes: Multiple stem trees shall be counted as one significant tree.

Table 30.25.016(4)

Measuring Tree Canopy

<u>Existing Canopy</u>		<u>New Canopy</u>
<u>Option 1 Tree Survey</u>	<u>Option 2 Aerial Estimation</u>	<u>Mature Canopy Calculation</u>
<ul style="list-style-type: none"> Measure canopy radius (r) for each tree to be retained Calculate existing canopy area using the formula: $CA = \pi r^2$ Total the sum of tree canopy areas and divide by gross site area to obtain canopy coverage percentage 	<ul style="list-style-type: none"> Obtain aerial imagery of site Measure site boundaries Measure canopies of individual trees or stand area using leading edges as the forest boundary Divide total canopy measurement by the gross site area to obtain canopy coverage percentage 	<p>For each proposed species:</p> <ul style="list-style-type: none"> Calculate radius (r) of mature canopy Calculate canopy coverage using the formula: $CA = \pi r^2$ Multiply by the proposed quantity to be planted to obtain total species canopy area Total the sum of species canopy area for all proposed species and divide by gross site area to obtain mature canopy coverage percentage

~~((5) The number of required replacement trees shall be reduced by 30% if an additional buffer of 15 feet is provided around the edge of a subdivision and all significant trees and native understory in the buffer are retained. This buffer must be in addition to all buffer and landscaping requirements in the code, and it must be provided around the entire subdivision except where roads and other required infrastructure enter the subdivision.))~~

~~((6))~~ (5) To assist in the preservation and retention of significant trees and existing tree canopy outside of critical area protection areas and required buffers and perimeter landscaping, the ~~((director))~~ applicant may ~~((apply one of))~~ utilize the following ~~((incentives))~~ credits:

~~(a) ((The on-site recreation space required by SCC 30.23A.080 may be reduced by up to 10 percent when at least 10 percent of site's significant trees (outside of any required perimeter landscaping or~~

~~critical area protection areas and required buffers) are retained;)) Individual significant trees retained on site shall be calculated at 110 percent above their actual canopy area.~~

~~(b) ((The lot width or size may be reduced by up to 20 percent of that required by the underlying zone when at least 10 percent of the site's significant trees (outside of any required perimeter landscaping or critical area protection areas and required buffers) are retained;)) Clusters or stands of five or more trees shall be counted at 125 percent for each tree within the cluster above their actual canopy area.~~

~~(c) ((The overall landscape requirements may be reduced by up to 10 percent when at least 10 percent of site's significant trees (outside of any required perimeter landscaping or critical area protection areas and required buffers) are retained.)) Clusters or stands of five or more significant trees shall be counted at 150 percent for each tree within the cluster above their actual canopy area.~~

~~(6) On sites without any existing tree canopy, the director may reduce the requirements of SCC Table 30.26.016(3) by no more than five percent when an applicant provides 25 percent more open space than that required under SCC Table 30.23A.080(2). Single family detached units, cottage housing, townhouse, multi-family less than 10 units and urban center development shall not be eligible for this reduction.~~

~~(7) ((Replacement trees)) In addition to the requirements of SCC 30.25.015(5) through (7), trees planted to meet tree canopy requirements in SCC Table 30.25.016(3) shall ((must)) meet the following criteria:~~

~~(a) ((Replacement trees shall be planted on the site from which significant trees are removed, provided that replacement trees may be planted on another site in the immediate area approved by the director when a certified arborist finds, and the director concurs, that replacing those trees on the original site will result in increased likelihood of the trees not surviving;)) Sites must be planted or replanted with a minimum of 50 percent tree species to shrub species unless planting occurs in a critical area or buffer where a mix of 75 percent tree species to shrub species is required.~~

~~(b) Sites must be planted or replanted with a minimum of 50 percent evergreen species to deciduous species, except:~~

~~(i) The evergreen portion of the required planting mix may be reduced by up to 25 percent when the deciduous mix contains exclusively Pacific Northwest indigenous species, not including Alder; and~~

~~(ii) Sites obtaining landscape requirements solely through street trees are exempt from the evergreen portion of the required planting mix.~~

~~((b)) (c) Replacement trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements;~~

~~(d) When preparing the landscaping plan, applicants are encouraged to meet the requirements of SCC Table 30.25.016(3) by conserving existing tree canopy including significant trees and other vegetation located on the site and place new plantings in protected areas such as street trees, perimeter landscaping, open spaces and critical area protection areas and required buffers at healthy spacing densities before placing trees within individual lots or yards; and~~

~~((e)) (e) Replacement trees shall be located in such a manner to minimize damage to trees or ((dwellings)) structures on the project site and on properties adjoining the project site ((;and)) .~~

~~((d) Significant evergreen trees proposed for removal must be replaced with a comparable evergreen native species as determined by the director.))~~

~~(8) The following tree protection measures shall be taken during clearing or construction:~~

~~(a) Tree protective fencing shall be installed along the outer edge of the drip line surrounding the significant trees retained in order to protect the trees during any land disturbance activities, and fencing shall not be moved to facilitate grading or other construction activity within the protected area;~~

~~(b) Tree protective fencing shall be a minimum height of three feet, visible and of durable construction; orange polyethylene laminar fencing is acceptable; and~~

~~(c) Signs must be posted on the fence reading "Tree Protection Area."~~

(9) The Director may reduce the tree canopy requirements of SCC Table 30.25.016(3) by no more than five percent when the following criteria are met:

(a) The applicant demonstrates in writing that they have made a good faith effort to comply with the tree canopy requirements within the physical constraints of the site by:

(i) Retaining as much of the tree canopy as possible on site consistent with best management practices for maintaining the health of trees; or

(ii) Replanting as much of the tree canopy as possible on site consistent with best management practices for maintaining the health of trees;

(b) The applicant proposes to plant additional understory vegetation or ground cover area, excluding lawn cover, invasive species or noxious weeds, to fulfill the remaining canopy requirement in SCC Table 30.25.016(3) not met by retention or replanting of tree canopy; and

(c) When critical areas protection area buffers exist on site and those buffers are not highly functioning, the applicant proposes to enhance the buffers by removing invasive species and noxious weeds and/or planting vegetation indigenous to the Pacific Northwest, spaced for maximum survivability.

~~((9))~~ (10) The ~~((director))~~ County Engineer may ~~((allow a modification to the design of))~~ modify required frontage improvements to retain significant trees as street trees.

~~((10))~~ A fine shall be imposed pursuant to SCC 30.85.090 for the removal of each significant tree in violation of SCC 30.25.016(1), unless the tree is replaced with a tree of the same size and type within the time period specified in a warning notice issued pursuant to SCC 30.85.080.))

Section __. Snohomish County Code Section 30.23.210, last amended by Amended Ordinance No. 13-042 on July 10, 2013, is amended to read:

30.23.210 Lot size averaging.

(1) A subdivision or short subdivision will meet the minimum lot area of the zone in which it is located if the area in lots plus half of the area of all critical areas and their buffers that must be permanently protected under chapter 30.62A SCC, if any, plus and¹ areas designated as open space or recreational uses, if any, divided by the total number of lots equals or exceeds the minimum lot area of the zone in which the property is located. In no case shall the density achieved be greater than the gross site area divided by the underlying zoning.

(2) This section shall only apply to:

(a) subdivisions or short subdivisions within zones having a minimum lot area requirement of 12,500 square feet or less; and

(b) short subdivisions in rural areas within zones having a minimum lot size greater than 12,500 square feet but not larger than five acres.

~~((3))~~ This section shall not apply on any site where any significant trees other than hazardous trees were removed after January 7, 2009, and within six years prior to the date of the submission of the application, pursuant to SCC 30.25.016(3).))

~~((4))~~ (3) Roadways shall not count toward the calculations for lot size averaging.

~~((5))~~ (4) Surface detention/retention facilities may count toward calculations for lot size averaging only if the detention/retention facility:

(a) is designed to not require security fencing under the EDDS standards; and

(b) the facility is either:

(i) designed so as to appear as a natural wetland system, or

(ii) provides active or passive recreational benefits in a natural landscaped setting.

~~((6))~~ (5) For subdivisions and short subdivisions within zones having a minimum lot area requirement of 12,500 square feet or less, the following additional criteria apply:

(a) Each single lot shall be at least 3,000 square feet in area;

(b) Lots in subdivisions and short subdivisions created under the provisions of this section shall have a maximum lot coverage of 55 percent;

(c) Lots with less than the prescribed minimum lot area for the zone in which they are located shall have a minimum lot width of at least 40 feet, and right-of-way setbacks of 15 feet except that garages must be set back 18 feet from the right-of-way (with the exception of alleys) and corner lots may reduce one right-of-way setback to no less than 10 feet; and

(d) Preliminary subdivisions approved utilizing lot averaging shall not be recorded by divisions unless such divisions individually or together as cumulative, contiguous parcels satisfy the requirements of this section.

~~((7))~~ (6) For short subdivisions in rural areas within zones having a minimum lot size greater than 12,500 square feet but not larger than five acres, the following additional criteria apply:

(a) Each single lot shall be at least 12,500 square feet in area or the minimum area necessary to comply with the Snohomish health district's rules and regulations for on-site sewage disposal and potable water supply, whichever is greater;

(b) Lots in short subdivisions created under the provisions of this section shall have a maximum lot coverage of 35 percent; and

(c) Lots with less than the prescribed minimum lot area for the zone in which they are located shall have a minimum lot width of at least 75 feet, and right-of-way setbacks of 50 feet except corner lots may reduce one right-of-way setback to no less than 20 feet.

Section __. Snohomish County Code Section 30.23.210, last amended by Amended Ordinance No. 10-072 on September 8, 2010, is amended to read:

30.41F.040 Approvals.

(1) Administrative site plan. In order to approve an administrative site plan, the department must find

~~((a))~~ that the site plan is consistent with the requirements of this chapter and other applicable regulations as determined by the department ~~((; and~~

~~((b) no significant trees other than hazardous trees were removed after January 7, 2009, and within six years prior to the date of the submission of the application, pursuant to SCC 30.25.016(3)).~~

(2) Final inspection and occupancy shall not be completed until the following requirements are met for those units included in the inspection:

(a) Fire lane signs and/or striping are completed for all access ways to the units;

(b) Address signs, street signs and unit addressing is completed;

(c) All landscaping, site amenities, fencing, pedestrian facilities, lighting, and other requirements for the units, pursuant to this chapter, are installed and approved; and

(d) Parking restrictions, common facilities, drive aisles, fire lanes and other vehicle and pedestrian facilities, and all other commonly-owned and operated property shall be protected in perpetuity by a recorded covenant, in a form approved by the director.

(3) Director's discretion. For the purpose of achieving greater innovation and design flexibility, the director and Public Works director shall have the authority to grant modifications or deviations as follows:

(a) Modifications or deviations may be granted to the following provisions of the county code if the applicant demonstrates that its proposal is consistent with the requirements of this chapter and the requested modification or deviation is consistent with the intent and purpose of this chapter and its provisions:

(i) Chapter 30.24;

(ii) Chapter 30.25;

(iii) Chapter 30.26; and

(iv) Chapter 30.27

(b) The director shall retain administrative authority over the request. The director's decision shall be final and not subject to appeal to the hearing examiner.

(c) Nothing in this section limits the director's and/or Public Works directors' authority to grant modifications as provided in chapter 30.63C SCC if an applicant incorporates low impact development techniques into the design of single family detached units.

(4) An approved administrative site plan shall expire pursuant to SCC 30.23A.100(6).

Section __. Snohomish County Code Section 30.42A.100, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.42A.100 Decision criteria.

The hearing examiner may approve a rezone only when all the following criteria are met:

(1) The proposal is consistent with the comprehensive plan;

(2) The proposal bears a substantial relationship to the public health, safety, and welfare; and

~~((3) The proposal would not increase the allowed density of residential development on any site where any significant trees other than hazardous trees were removed after January 7, 2009, and within six years prior to the date of the submission of the application, pursuant to SCC 30.25.016(3); and))~~

~~((4))~~ (3) Where applicable, minimum zoning criteria found in chapters 30.31A through 30.31F SCC are met.

Section __. Snohomish County Code Section 30.42B.020, last amended by Amended Ordinance No. 10-072 on September 8, 2010, is amended to read:

30.42B.020 Applicability.

(1) A PRD is permitted only within UGAs in the R-9,600, R-8,400, R-7,200, LDMR, and MR zones.

(2) A retirement apartment or retirement housing PRD is permitted only within the LDMR, MR, NB, PCB, CB, and GC zones.

(3) A PRD is not permitted in the rural area, except in the R-5 zone when consistent with Policy LU 6.A.3 of the comprehensive plan.

~~((4) A PRD is not permitted on any site where any significant trees other than hazardous trees were removed after January 7, 2009, and within six years prior to the date of the submission of the application, pursuant to SCC 30.25.016(3).))~~

~~((5))~~ (4) Except for the retirement apartment and retirement housing PRDs, the density of a PRD shall be consistent with the land use designation identified in the comprehensive plan.

Section __. Snohomish County Code Section 30.85.090, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.85.090 Citation.

(1) Violations of the following provisions of Snohomish County Code shall be subject to the citation and/or criminal provisions set forth in this chapter:

(a) Junkyard conditions in urban zones (SCC 30.22.100 or SCC 30.65.285);

(b) Recreational vehicle occupancy (SCC 30.22.100, 30.22.110, 30.22.120 or 30.22.130(19)(b) and (c) or SCC 30.65.285);

~~((c) Tree retention (SCC 30.25.016(1)))~~

~~((d))~~ (c) Illegal signs (chapter 30.27 SCC);

~~((e))~~ (d) Noise standards (chapter 10.01 SCC, except public disturbance noises as defined by SCC 10.01.040);
~~((f))~~ (e) Fence height (SCC 30.52A.148(1)(c) or SCC 30.23.100(3));
~~((g))~~ (f) Erosion control measures and best management practices (chapter 30.63A SCC);
~~((h))~~ (g) Overcrowding beyond building capacity or blocking means of egress (SCC 30.53A.382);
~~((i))~~ (h) Obstruction of fire apparatus access roads (SCC 30.53A.512);
~~((j))~~ (i) Means of egress (SCC 30.53A.010, Section 1028 IFC);
~~((k))~~ (j) Burn permit (SCC 30.53A.298);
~~((l))~~ (k) Stop work order (SCC 30.85.230); and
~~((m))~~ (l) Emergency order (SCC 30.85.240).

(2) Issuance of the citation is a final determination and a fine will be assessed in accordance with SCC Table 30.85.130.

(3) Payment of a fine assessed under the citation shall not relieve the person(s) named in the citation of any obligation to cure, abate or stop the violation(s).

(4) A citation may be modified or withdrawn by the department at any time it was issued in error.

(5) Each day a person violates or fails to comply with a provision of this section may be considered a separate violation for which a citation may be issued, including the period pending a contested hearing.

Section __. Snohomish County Code Section 30.85.130, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.85.130 Fines for citations.

Table 30.85.130 Fines for Citations

CODE PROVISION	FIRST VIOLATION		REPEAT VIOLATION ²		MULTIPLE REPEAT VIOLATIONS ²	
	Non-commercial ₁	Commercial ₁	Non-commercial ₁	Commercial ₁	Non-commercial ₁	Commercial ₁
Junkyard conditions in Urban Zone SCC 30.22.100 or SCC 30.65.285	\$150	\$250	\$300	\$500	\$500	\$700
RV occupancy SCC 30.22.100, 30.22.110, 30.22.120, 30.22.130(19)(b)&(c) or SCC 30.65.285	\$150	\$250	\$300	\$500	\$500	\$700
((Tree Retention (per tree)³ SCC 30.25.016(1)))	(((\$5,000))	(((\$5,000))	(((\$5,000))	(((\$5,000))	(((\$5,000))	(((\$5,000))
Non-permitted sign Chapter 30.27 SCC	\$150	\$250	\$300	\$500	\$500	\$700

Noise prevention Chapter 10.01 SCC	\$150	\$250	\$300	\$500	\$500	\$700
Fence height SCC 30.52A.148(1)(c), or SCC 30.23.100(3)	\$150	\$250	\$300	\$500	\$500	\$700
Erosion control measures Chapter 30.63A SCC	\$150	\$250	\$300	\$500	\$500	\$700
Overcrowding building or egress SCC 30.53A.382	NA	\$250	NA	\$500	\$500	\$700
Obstruction of fire access roads SCC 30.53A.512	\$150	\$250	\$300	\$500	\$500	\$700
Means of egress SCC 30.53A.010; Section 1028 IFC	NA	\$250	NA	\$500	\$500	\$700
Burn permit SCC 30.53A.298	\$150	\$250	\$300	\$500	\$500	\$700
Stop work order SCC 30.85.230	\$300	\$500	\$600	\$1,000	\$1,000	\$1,500
Emergency order SCC 30.85.240	\$450	\$750	\$500	\$1,500	\$700	\$2,100

¹ See SCC 30.85.135 as definition

² Pursuant to SCC 30.85.280.

³ ~~(*If the trees removed constitute no more than the lesser of 5 significant trees or 5% of the total number of significant trees on the site the fine shall be \$1,000 per tree.**)~~

~~((**Code Reviser Note: The text shown in 30.85.130 footnote 3 above, in italic font, was added by Amended Ord. 08-101 but was not shown with addition marks.*)~~

Appendix B
Chapter 30.25 SCC-Tree Canopy Code Amendments
Staff Recommended Draft Findings

- A. January 21, 2009, the Snohomish County Council adopted Amended Ordinance No. 08-101, adding tree replacement requirements in Snohomish County Code (SCC) section 30.25.016;
- B. International Society of Arboriculture Guidelines for Developing and Evaluating Tree Ordinances recommend jurisdictions regulate tree canopy coverage rather than individual trees;
- C. Some concerns about the difficulty of planting all the required replacement trees onsite may be addressed by limiting the number of required replacement trees, and providing options for replacing trees when they cannot be reasonably accommodated on site;
- D. Based on GIS analysis of the most current land cover layers provided by the US Geologic Service, the unincorporated urban growth areas of Snohomish County contain an estimated 30% canopy coverage between public and private lands;
- E. Tree canopy and significant trees provide habitat for urban wildlife, improve air quality, moderate microclimates by minimizing the urban heat island effect, provide a buffer for noise, provide a reservoir for Carbon sequestration, reduce soil erosion by providing pervious surface areas to reduce stormwater run-off, and to provide filtration of on-site surface water prior to re-entry to the County's waterways.
- F. Code amendments to SCC chapter 30.25 are necessary to clarify the purpose of tree retention and replacement guidelines within urban areas of Snohomish County;
- G. The code amendments proposed are consistent with the Planning Goals listed in RCW 36.70A.020;
- H. The proposed code amendments will better achieve, comply with, and implement the Puget Sound Regional Council's Multicounty Planning Policies (Vision2040) which sets forth the following goals, objectives, and policies related to the proposed regulations:
- 1) **MPP-En-3:** Maintain and, where possible, improve air and water quality, soils, and natural systems to ensure the health and well-being of people, animals, and plants. Reduce the impacts of transportation on air and water quality, and climate change.
 - 2) **MPP-En-5:** Locate development in a manner that minimizes impacts to natural features. Promote the use of innovative environmentally sensitive development practices, including design, materials, construction, and on-going maintenance.
 - 3) **MPP-En-7:** Mitigate noise caused by traffic, industries, and other sources.
 - 4) **MPP-DP-2:** Encourage efficient use of urban land by maximizing the development potential of existing urban lands, such as advancing development that achieves zoned density.

- 1 5) **MPP-DP-4:** Accommodate the region’s growth first and foremost in the urban growth area.
2 Ensure that development in rural areas is consistent with the regional vision.
- 3 6) **MPP-DP-15:** Support the transformation of key underutilized lands, such as brownfields and
4 greyfields, to higher density, mixed-use areas to complement the development of centers and
5 the enhancement of existing neighborhoods.
- 6 7) **MPP-DP-33:** Identify, protect and enhance those elements and characteristics that give the
7 central Puget Sound region its identity, especially the natural visual resources and positive
8 urban form elements.
- 9 8) **MPP-DP-49:** Support and provide incentives to increase the percentage of new development
10 and redevelopment — both public and private — to be built at higher performing energy and
11 environmental standards.
- 12 9) **MPP-PS-20:** Protect the source of the water supply to meet the needs for both human
13 consumption and for environmental balance.
- 14 I. The proposed code amendments will better achieve, comply with, and implement the Snohomish
15 County Countywide Planning Policies (CPP) which sets forth the following goals, objectives, and
16 policies related to the proposed regulations:
 - 17 1) **DP-5** The County and cities shall adopt comprehensive plans and development regulations
18 (RCW 36.70A.040). In Urban Growth Areas (UGAs), such plans and regulations shall:
 - 19 (a) Achieve urban uses and densities;
 - 20 (b) Provide for urban governmental services and capital facilities sufficient to accommodate
21 the broad range of needs and uses that will accompany the projected urban growth; and
 - 22 (c) Permit the urban growth that is projected to occur in the succeeding twenty-year period
23 (RCW 36.70A.110(2)).
 - 24 2) **DP-10** The County and cities shall coordinate the designation and planning of urban centers
25 with transit service and other providers to promote well-designed and transit oriented
26 developments that enhance economic development opportunities, address environmental
27 goals, and reduce vehicle miles traveled.
 - 28 3) **DP-11** The County and cities should revise development regulations and incentives, as
29 appropriate, to encourage higher residential densities and greater employment
30 concentrations in Urban Growth Areas.
 - 31 4) **DP-13** The County and cities should integrate the desirable qualities of existing residential
32 neighborhoods when planning for urban centers and mixed-use developments. Jurisdictions
33 should adopt design guidelines and standards for urban centers to provide for efficient site
34 design that integrates building design, transportation facilities, and publicly accessible open
35 spaces.

- 5) **DP-33** Jurisdictions should develop high quality, compact urban communities that impart a sense of place, preserve local character, provide for mixed uses and choices in housing types, and encourage walking, bicycling, and transit use.
- 6) **Env-1** All jurisdictions shall protect and enhance natural ecosystems through their comprehensive plans, development regulations, capital facilities programs, and management practices. Jurisdictions should consider regional and countywide strategies and assessments, as well as best available qualitative and quantitative information, in formulating plans and regulations that are specific to their community.
- 7) **Env-2** The County and cities should identify, designate, and protect regional open space networks/wildlife corridors both inside and outside the Urban Growth Area. Jurisdictions should establish policies and coordinated approaches to preserve and enhance these networks/corridors across jurisdictional boundaries.
- 8) **Env-3** The County and cities should identify and protect, enhance, or restore wildlife corridors and important habitat areas that support designated species of local or state significance and that are critical for survival of endangered or threatened species.
- 9) **Env-8** The County and cities should establish and/or support programs to reduce greenhouse gas emissions and to increase energy conservation and alternative/clean energy among both public and private entities.
- 10) **Env-9** The County and cities should use natural systems to reduce carbon in the atmosphere by establishing programs and policies that maintain and increase forests and vegetative cover.

T. The proposed code amendments will better achieve, comply with, and implement the Snohomish County General Policy Plan (GPP) which sets forth the following goals, objectives, and policies related to the proposed regulations:

- 1) **LU 2.B.2** The county shall encourage, and may require, higher minimum densities within designated urban centers, urban villages, and along connecting transit emphasis corridors to support planned transit service.
- 2) **LU 4.B.2** The county shall explore and consider design guidelines for urban centers and villages that achieve the following objectives:
 - (a) Well designed urban centers and urban villages that are sensitive to natural and cultural resources so as to preserve them.
- 3) **LU 5.A.8** Natural features, open space and critical areas shall be preserved to enhance neighborhood identity.
- 4) **LU 10.B.7** The county shall consider development of code and site design standards that encourage the preservation of natural and scenic resources.
- 5) **NE 1.A** Balance the protection of the natural environment with economic growth, housing needs and the protection of property rights.

Appendix C
Chapter 30.25 SCC-Tree Canopy Code Amendments
Staff Recommended Code Language—Clean Version (If Adopted)

Section __. Snohomish County Code Section 30.25.010, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.25.010 Purpose.

(1) The purpose of this chapter is to establish standards for landscaping to implement the policies of the comprehensive plan and to achieve the following objectives:

(a) Enhance neighborhood livability and mitigate potential land use incompatibility through landscaping and screening and by conserving tree canopy and vegetation;

(b) Conserve the urban tree canopy and significant trees to retain and supplement the county's urban aesthetic character and environment; and

(c) Promote the preservation of open space, existing tree canopy and vegetation, and natural diversity and wildlife habitat, using supplemental plantings when necessary.

(2) The provisions of this chapter should enhance compatibility between uses and zones and build continuity within neighborhoods while reducing the impacts of new development and minimizing the visual impact of parking areas and detention facilities and other special uses that require screening from residential uses.

Section __. Snohomish County Code Section 30.25.012, last added by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.25.012 Applicability.

(1) The landscaping provisions of this chapter shall apply to all development applications, unless specifically exempted in SCC 30.25.012(2) or elsewhere in this chapter.

(2) This chapter shall not apply to:

(a) Farms and accessory uses associated with farming;

(b) Changes in occupancy where the use would generate a need for five or less additional parking spaces over the number of existing spaces; and

(c) Remodels of multiple family, commercial, industrial, public facilities and private institutional uses representing less than 50 percent of the valuation of the structure as determined by using the most recent ICBO construction tables, or adding less than 20 percent of gross floor area.

Section __. Snohomish County Code Section 30.25.015, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.25.015 General landscaping requirements.

(1) All residential developments located within urban growth areas are required to landscape a minimum of 10 percent of the total gross area of the site to the standards set forth in this chapter unless exempted otherwise. The 10 percent requirement may include perimeter landscaping, parking lot and detention facility landscaping, tree canopy areas and street trees not in a public right-of-way.

(2) No building permit shall be issued when landscaping is required until a landscaping plan has been submitted and approved by the department, if applicable. Landscaping plan requirements shall be defined by the department in a submittal requirements checklist, as authorized by SCC 30.70.030. The landscaping plan shall be prepared by a qualified landscape designer. If applicable, development applications subject to 30.25.016 shall provide documentation from a qualified landscape designer as to why existing canopy and significant trees cannot or should not be retained.

(3) Planting areas outside of the right-of-way may include landscape features such as decorative paving, sculptures, fountains, rock features, benches, picnic tables, and other amenities; provided that the area devoted to such features may count toward no more than 20 percent of the total required perimeter and parking lot landscaping area. Use of bark, mulch, gravel, and similar non-vegetative material shall be minimized and used only to assist plant growth and maintenance or to visually complement plant material.

(4) An accessible route of travel meeting construction code barrier free requirements may cross a required landscape area at a 90 degree angle or as close to a 90 degree angle to the road right-of-way as conditions allow. The area devoted to an accessible route of travel in a required perimeter area may be included to satisfy the requirements of SCC 30.25.020.

(5) The following minimum planting standards apply, except that street trees required pursuant to SCC 30.25.015(8) shall comply with planting standards in the EDDS:

(a) Evergreen and deciduous trees shall be at least eight feet high at the time of planting;

(b) Deciduous trees shall have a minimum diameter of one and one-half inches caliper at the time of planting; provided that the combined diameter measurements of groupings of under-story trees, such as vine maples, may be used to meet this requirement;

(c) Evergreen and deciduous shrubs shall be at least 18 inches high at the time of planting;

(d) Trees shall be of a size and type projected to reach a height of at least 20 feet in 10 years, except:

(i) Where understory or low-growing trees are specifically approved or required by the director; or

(ii) Where understory or low-growing trees are planted as authorized by SCC 30.25.016.

(e) Trees shall be planted at least five feet from adjoining property lines.

(6) All landscape materials shall meet or exceed current United States standards for nursery stock published by the American Nursery and Landscape Association and consist of native species. The applicant shall use a list of acceptable species prepared by the director or may substitute a species with similar characteristics not on the list with the director's approval.

(7) To promote stabilization and continued healthy growth of the landscape areas required by this section, a qualified landscape designer shall determine the need for irrigation. An irrigation plan shall be submitted together with the required landscape plan.

(8) Street trees are required to be planted as frontage improvements along public roads and along private roads and drive aisles in residential developments within urban growth areas. Street trees are not required around turnarounds at the end of road network elements less than 150 feet in length.

(9) Property owners shall be responsible for the maintenance (including pruning) and liability of street trees on their property, or where responsibility has been assumed by the owner through a recorded agreement with the county.

(10) Utility work shall minimize impact to street trees, both above ground and to root systems below ground.

Section __. Snohomish County Code Section 30.25.016, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.25.016 Tree canopy requirements.

(1) Tree canopy requirements shall apply to all new residential development applications within unincorporated urban growth areas. The following activities are exempt from the tree canopy requirements of this section:

(a) Removal of any hazardous, dead or diseased trees, and as necessary to remedy an immediate threat to person or property as determined by a letter from a qualified arborist;

(b) Construction of a single-family dwelling, duplex, accessory or non-accessory storage structure on an individual lot created prior to April 21, 2009;

- (c) Construction or maintenance of public or private road network elements, and public or private utilities including utility easements;
- (d) Construction or maintenance of public parks and trails when located within an urban residential zone;
- (e) Pruning and routing maintenance of shrubs and trees; or
- (f) Remodels of an existing single-family dwelling, duplex, or townhouse structures.
- (2) All significant trees within any perimeter landscaping required pursuant to SCC 30.25.020 and critical area protection areas and required buffers shall be retained, except for trees exempted by SCC 30.25.016(1).
- (3) Development subject to the requirements of SCC 30.25.016(1) shall meet the minimum tree canopy coverage requirements set forth in SCC Table 30.25.016(3), except as provided in SCC 30.25.016(6) and SCC 30.25.016(9). On sites that do not meet the requirements of SCC Table 30.26.016(3) through existing tree canopy or where an applicant removes the existing tree canopy, new plantings to meet the requirements of SCC Table 30.25.016(3) shall be planted pursuant to SCC 30.25.015(5) through (7) and SCC 30.25.016(7).
- (a) Tree canopy coverage shall include all woody perennial vegetation six feet in height or greater, excluding invasive species or noxious weeds, within the gross site area including perimeter landscaping, site landscaping, street trees (including those existing or planted within the public right-of-way abutting the site), critical area protection areas and required buffers, and open space tracts or easements.
- (b) Sites utilizing vegetation techniques for stormwater retention or detention may count 50 percent of all ground level bio-retention and rain garden area as tree canopy coverage when the stormwater retention or detention is:
- (i) Constructed per the requirements of chapter 30.63A, 30.63B and 30.63C SCC;
 - (ii) Designed in accordance with the Snohomish County Drainage Manual and Snohomish County Engineering Design and Development Standards; and
 - (iii) Contains at least 50 percent native (indigenous) species tree canopy vegetation six feet in height or greater.

Table 30.25.016(3)

Tree Canopy Coverage Requirements

Type of Development	Required Tree Canopy Coverage of Development Site (gross site area)	Reduction for Sites without Existing Tree Canopy SCC 30.25.016(6)	Director's Discretion Reduction 30.25.016(9)	Required Tree Canopy Coverage after Applicable Reductions
Subdivisions for Single Family Residential 10 or more lots	30 percent	10 percent	5 percent	15 percent
Short Subdivisions for Single Family Residential 4 to 9 lots	25 percent	10 percent	5 percent	10 percent
Short Subdivisions for Single Family Residential	20 percent	Not	5 percent	15 percent

Less than 4 lots		Applicable		
Single Family Detached Units, Cottage Housing, Townhouse, Multi-family 10 or more units	20 percent	10 percent	5 percent	10 percent
Single Family Detached Units, Cottage Housing, Townhouse, Multi-family Less than 10 units	15 percent	Not Applicable	5 percent	10 percent
Urban Center (residential and mixed use projects only)	15 percent	Not Applicable	5 percent	10 percent

- (4) Site tree canopy shall be measured according to SCC Table 30.25.016(4) and the following:
- (a) If 50 percent or more of a tree's canopy from an adjoining publicly owned parcel extends onto the proposed site, count the entire tree canopy in the site tree canopy calculation.
- (b) If 50 percent or more of an individual tree's canopy on the proposed site extends onto an adjoining parcel, count the entire tree canopy in the site tree canopy calculation.

Table 30.25.016(4)

Measuring Tree Canopy

Existing Canopy		New Canopy
Option 1 Tree Survey	Option 2 Aerial Estimation	Mature Canopy Calculation
<ul style="list-style-type: none"> Measure canopy radius (r) for each tree to be retained Calculate existing canopy area using the formula: Canopy Area (CA)=πr^2 Total the sum of tree canopy areas and divide by gross site area to obtain canopy coverage percentage 	<ul style="list-style-type: none"> Obtain aerial imagery of site Measure site boundaries Measure canopies of individual trees or stand area using leading edges as the forest boundary Divide total canopy measurement by the gross site area to obtain canopy coverage percentage 	<p>For each proposed species:</p> <ul style="list-style-type: none"> Calculate radius (r) of mature canopy Calculate canopy coverage using the formula: $CA=\pi r^2$ Multiply by the proposed quantity to be planted to obtain total species canopy area Total the sum of species canopy area for all proposed species and divide by gross site area to obtain mature canopy coverage percentage

- (5) To assist in the preservation and retention of significant trees and existing tree canopy outside of critical area protection areas and required buffers and perimeter landscaping, the applicant may utilize the following credits:
- (a) Individual significant trees retained on site shall be calculated at 110 percent above their actual canopy area.

(b) Clusters or stands of five or more trees shall be counted at 125 percent for each tree within the cluster above their actual canopy area.

(c) Clusters or stands of five or more significant trees shall be counted at 150 percent for each tree within the cluster above their actual canopy area.

(6) On sites without any existing tree canopy, the director may reduce the requirements of SCC Table 30.26.016(3) by no more than five percent when an applicant provides 25 percent more open space than that required under SCC Table 30.23A.080(2). Single family detached units, cottage housing, townhouse, multi-family less than 10 units and urban center development shall not be eligible for this reduction.

(7) In addition to the requirements of SCC 30.25.015(5) through (7), trees planted to meet tree canopy requirements in SCC Table 30.25.016(3) shall meet the following criteria:

(a) Sites must be planted or replanted with a minimum of 50 percent tree species to shrub species unless planting occurs in a critical area or buffer where a mix of 75 percent tree species to shrub species is required.

(b) Sites must be planted or replanted with a minimum of 50 percent evergreen species to deciduous species, except:

(i) The evergreen portion of the required planting mix may be reduced by up to 25 percent when the deciduous mix contains exclusively Pacific Northwest indigenous species, not including Alder; and

(ii) Sites obtaining landscape requirements solely through street trees are exempt from the evergreen portion of the required planting mix.

(c) Replacement trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements;

(d) When preparing the landscaping plan, applicants are encouraged to meet the requirements of SCC Table 30.25.016(3) by conserving existing tree canopy including significant trees and other vegetation located on the site and place new plantings in protected areas such as street trees, perimeter landscaping, open spaces and critical area protection areas and required buffers at healthy spacing densities before placing trees within individual lots or yards; and

(e) Replacement trees shall be located in such a manner to minimize damage to trees or structures on the project site and on properties adjoining the project site.

(8) The following tree protection measures shall be taken during clearing or construction:

(a) Tree protective fencing shall be installed along the outer edge of the drip line surrounding the significant trees retained in order to protect the trees during any land disturbance activities, and fencing shall not be moved to facilitate grading or other construction activity within the protected area;

(b) Tree protective fencing shall be a minimum height of three feet, visible and of durable construction; orange polyethylene laminar fencing is acceptable; and

(c) Signs must be posted on the fence reading "Tree Protection Area."

(9) The Director may reduce the tree canopy requirements of SCC Table 30.25.016(3) by no more than five percent when the following criteria are met:

(a) The applicant demonstrates in writing that they have made a good faith effort to comply with the tree canopy requirements within the physical constraints of the site by:

(i) Retaining as much of the tree canopy as possible on site consistent with best management practices for maintaining the health of trees; or

(ii) Replanting as much of the tree canopy as possible on site consistent with best management practices for maintaining the health of trees;

(b) The applicant proposes to plant additional understory vegetation or ground cover area, excluding lawn cover, invasive species or noxious weeds, to fulfill the remaining canopy requirement in SCC Table 30.25.016(3) not met by retention or replanting of tree canopy; and

(c) When critical areas protection area buffers exist on site and those buffers are not highly functioning, the applicant proposes to enhance the buffers by removing invasive species and noxious

1 weeds and/or planting vegetation indigenous to the Pacific Northwest, spaced for maximum
2 survivability.

3 (10) The County Engineer may modify required frontage improvements to retain significant trees as
4 street trees.

5
6 Section __. Snohomish County Code Section 30.23.210, last amended by Amended Ordinance
7 No. 13-042 on July 10, 2013, is amended to read:

8
9 **30.23.210 Lot size averaging.**

10
11 (1) A subdivision or short subdivision will meet the minimum lot area of the zone in which it is located
12 if the area in lots plus *half of the area of all critical areas and their buffers that must be permanently*
13 *protected under chapter 30.62A SCC, if any, plus* and¹ areas designated as open space or recreational
14 uses, if any, divided by the total number of lots equals or exceeds the minimum lot area of the zone in
15 which the property is located. In no case shall the density achieved be greater than the gross site area
16 divided by the underlying zoning.

17 (2) This section shall only apply to:

18 (a) subdivisions or short subdivisions within zones having a minimum lot area requirement of 12,500
19 square feet or less; and

20 (b) short subdivisions in rural areas within zones having a minimum lot size greater than 12,500
21 square feet but not larger than five acres.

22 (3) Roadways shall not count toward the calculations for lot size averaging.

23 (4) Surface detention/retention facilities may count toward calculations for lot size averaging only if
24 the detention/retention facility:

25 (a) is designed to not require security fencing under the EDDS standards; and

26 (b) the facility is either:

27 (i) designed so as to appear as a natural wetland system, or

28 (ii) provides active or passive recreational benefits in a natural landscaped setting.

29 (5) For subdivisions and short subdivisions within zones having a minimum lot area requirement of
30 12,500 square feet or less, the following additional criteria apply:

31 (a) Each single lot shall be at least 3,000 square feet in area;

32 (b) Lots in subdivisions and short subdivisions created under the provisions of this section shall have
33 a maximum lot coverage of 55 percent;

34 (c) Lots with less than the prescribed minimum lot area for the zone in which they are located shall
35 have a minimum lot width of at least 40 feet, and right-of-way setbacks of 15 feet except that garages
36 must be set back 18 feet from the right-of-way (with the exception of alleys) and corner lots may reduce
37 one right-of-way setback to no less than 10 feet; and

38 (d) Preliminary subdivisions approved utilizing lot averaging shall not be recorded by divisions
39 unless such divisions individually or together as cumulative, contiguous parcels satisfy the
40 requirements of this section.

41 (6) For short subdivisions in rural areas within zones having a minimum lot size greater than 12,500
42 square feet but not larger than five acres, the following additional criteria apply:

43 (a) Each single lot shall be at least 12,500 square feet in area or the minimum area necessary to
44 comply with the Snohomish health district's rules and regulations for on-site sewage disposal and
45 potable water supply, whichever is greater;

46 (b) Lots in short subdivisions created under the provisions of this section shall have a maximum lot
47 coverage of 35 percent; and

48 (c) Lots with less than the prescribed minimum lot area for the zone in which they are located shall
49 have a minimum lot width of at least 75 feet, and right-of-way setbacks of 50 feet except corner lots
50 may reduce one right-of-way setback to no less than 20 feet.

Section __. Snohomish County Code Section 30.23.210, last amended by Amended Ordinance No. 10-072 on September 8, 2010, is amended to read:

30.41F.040 Approvals.

- (1) Administrative site plan. In order to approve an administrative site plan, the department must find.
- (2) Final inspection and occupancy shall not be completed until the following requirements are met for those units included in the inspection:
 - (a) Fire lane signs and/or striping are completed for all access ways to the units;
 - (b) Address signs, street signs and unit addressing is completed;
 - (c) All landscaping, site amenities, fencing, pedestrian facilities, lighting, and other requirements for the units, pursuant to this chapter, are installed and approved; and
 - (d) Parking restrictions, common facilities, drive aisles, fire lanes and other vehicle and pedestrian facilities, and all other commonly-owned and operated property shall be protected in perpetuity by a recorded covenant, in a form approved by the director.
- (3) Director's discretion. For the purpose of achieving greater innovation and design flexibility, the director and Public Works director shall have the authority to grant modifications or deviations as follows:
 - (a) Modifications or deviations may be granted to the following provisions of the county code if the applicant demonstrates that its proposal is consistent with the requirements of this chapter and the requested modification or deviation is consistent with the intent and purpose of this chapter and its provisions:
 - (i) Chapter 30.24;
 - (ii) Chapter 30.25;
 - (iii) Chapter 30.26; and
 - (iv) Chapter 30.27
 - (b) The director shall retain administrative authority over the request. The director's decision shall be final and not subject to appeal to the hearing examiner.
 - (c) Nothing in this section limits the director's and/or Public Works directors' authority to grant modifications as provided in chapter 30.63C SCC if an applicant incorporates low impact development techniques into the design of single family detached units.
- (4) An approved administrative site plan shall expire pursuant to SCC 30.23A.100(6).

Section __. Snohomish County Code Section 30.42A.100, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.42A.100 Decision criteria.

The hearing examiner may approve a rezone only when all the following criteria are met:

- (1) The proposal is consistent with the comprehensive plan;
- (2) The proposal bears a substantial relationship to the public health, safety, and welfare; and
- (3) Where applicable, minimum zoning criteria found in chapters 30.31A through 30.31F SCC are met.

Section __. Snohomish County Code Section 30.42B.020, last amended by Amended Ordinance No. 10-072 on September 8, 2010, is amended to read:

30.42B.020 Applicability.

- (1) A PRD is permitted only within UGAs in the R-9,600, R-8,400, R-7,200, LDMR, and MR zones.
- (2) A retirement apartment or retirement housing PRD is permitted only within the LDMR, MR, NB, PCB, CB, and GC zones.
- (3) A PRD is not permitted in the rural area, except in the R-5 zone when consistent with Policy LU 6.A.3 of the comprehensive plan.
- (4) Except for the retirement apartment and retirement housing PRDs, the density of a PRD shall be consistent with the land use designation identified in the comprehensive plan.

Section __. Snohomish County Code Section 30.85.090, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.85.090 Citation.

- (1) Violations of the following provisions of Snohomish County Code shall be subject to the citation and/or criminal provisions set forth in this chapter:
- (a) Junkyard conditions in urban zones (SCC 30.22.100 or SCC 30.65.285);
 - (b) Recreational vehicle occupancy (SCC 30.22.100, 30.22.110, 30.22.120 or 30.22.130(19)(b) and (c) or SCC 30.65.285);
 - (c) Illegal signs (chapter 30.27 SCC);
 - (d) Noise standards (chapter 10.01 SCC, except public disturbance noises as defined by SCC 10.01.040);
 - (e) Fence height (SCC 30.52A.148(1)(c) or SCC 30.23.100(3));
 - (f) Erosion control measures and best management practices (chapter 30.63A SCC);
 - (g) Overcrowding beyond building capacity or blocking means of egress (SCC 30.53A.382);
 - (h) Obstruction of fire apparatus access roads (SCC 30.53A.512);
 - (i) Means of egress (SCC 30.53A.010, Section 1028 IFC);
 - (j) Burn permit (SCC 30.53A.298);
 - (k) Stop work order (SCC 30.85.230); and
 - (l) Emergency order (SCC 30.85.240).
- (2) Issuance of the citation is a final determination and a fine will be assessed in accordance with SCC Table 30.85.130.
- (3) Payment of a fine assessed under the citation shall not relieve the person(s) named in the citation of any obligation to cure, abate or stop the violation(s).
- (4) A citation may be modified or withdrawn by the department at any time it was issued in error.
- (5) Each day a person violates or fails to comply with a provision of this section may be considered a separate violation for which a citation may be issued, including the period pending a contested hearing.

Section __. Snohomish County Code Section 30.85.130, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.85.130 Fines for citations.

Table 30.85.130 Fines for Citations

	FIRST VIOLATION		REPEAT VIOLATION ²		MULTIPLE REPEAT VIOLATIONS ²	
CODE PROVISION	Non-commercial₁	Commercial_I	Non-commercial₁	Commercial_I	Non-commercial₁	Commercial_I
Junkyard	\$150	\$250	\$300	\$500	\$500	\$700

conditions in Urban Zone SCC 30.22.100 or SCC 30.65.285						
RV occupancy SCC 30.22.100, 30.22.110, 30.22.120, 30.22.130(19)(b)&(c) or SCC 30.65.285	\$150	\$250	\$300	\$500	\$500	\$700
Non-permitted sign Chapter 30.27 SCC	\$150	\$250	\$300	\$500	\$500	\$700
Noise prevention Chapter 10.01 SCC	\$150	\$250	\$300	\$500	\$500	\$700
Fence height SCC 30.52A.148(1)(c), or SCC 30.23.100(3)	\$150	\$250	\$300	\$500	\$500	\$700
Erosion control measures Chapter 30.63A SCC	\$150	\$250	\$300	\$500	\$500	\$700
Overcrowding building or egress SCC 30.53A.382	NA	\$250	NA	\$500	\$500	\$700
Obstruction of fire access roads SCC 30.53A.512	\$150	\$250	\$300	\$500	\$500	\$700
Means of egress SCC 30.53A.010; Section 1028 IFC	NA	\$250	NA	\$500	\$500	\$700
Burn permit SCC 30.53A.298	\$150	\$250	\$300	\$500	\$500	\$700
Stop work order SCC 30.85.230	\$300	\$500	\$600	\$1,000	\$1,000	\$1,500
Emergency order SCC 30.85.240	\$450	\$750	\$500	\$1,500	\$700	\$2,100

1 See SCC 30.85.135 as definition

2 Pursuant to SCC 30.85.280.